

Notice of Allowability

Application No.

10/811,784

Applicant(s)

MCANDREWS, MICHAEL

Examiner

Art Unit

Devon C. Kramer

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on 7/19/05.
2. ☒ The allowed claim(s) is/are 11,15,16 and 20-28.
3. ☒ The drawings filed on 29 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 7/19/05, 6/24/05, + 5/13/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DEVON C. KRAMER
PATENT EXAMINER
Devon
7/28/05

EXAMINER'S AMENDMENT

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward Schlatter on July 17, 2005.

The application has been amended as follows:

Claim 11 lines 6 and 8, "a bicycle" should be ~~the bicycle~~; (NOT Two corrections)

Claim 21 line 5, "said compression chamber" should be ~~said compression fluid chamber~~;

Claim 21 lines 8 and 9, "said damper" should be ~~said suspension assembly~~;
(Note two corrections)

Claim 21 line 19, "wherein said spring and said damper cooperative" should be ~~wherein the suspension assembly operative~~,

Claim 22 line 2, "said first position" should be ~~said closed position~~;

Claim 22 line 3, "said second position" should be ~~said open position~~.

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2) The following is an examiner's statement of reasons for allowance:

In re claims 11 and 16, none of the references cited either alone or in combination provide an inertial valve comprising an inertial mass, the mass being within a secondary tube and not within a first fluid chamber, the mass not surrounding a primary tube, the mass configured to move in generally the same direction as the piston in response to a terrain induced force; the inertial valve biased in a first position, blocking a flow of liquid from a first fluid chamber to a second fluid chamber in the compression direction; the inertial valve permitting a flow of fluid from the first to the second fluid chambers in the second position in the compression direction; and a floating piston within the secondary tube and separating a gas space of the secondary tube from a damping fluid of the secondary tube.

In re claim 21, none of the references cited either alone or in combination provide a floating piston configured to separate a damping fluid with the assembly from a gas chamber; a valve to permit adjustment of a pressure within the gas chamber; an inertia valve comprising an inertia mass movable between a closed position and an open position; the mass not within the compression fluid chamber or the rebound fluid chamber, the mass not surrounding the tube, the mass configured to move in an axial direction generally aligned with the axis; the suspension assembly operative, in the absence of a terrain induced upward acceleration of the suspension assembly above a predetermined threshold sufficient to move the inertia valve to the open position, to prevent significant compressive movement of the suspension assembly in response to rider-induced pedaling forces on the suspension assembly; and wherein the inertia

valve is movable to the open position in response to a terrain induce upward acceleration of the suspension assembly above the threshold to permit significantly compressive movement of the suspension assembly.

In re claim 24, none of the references cited either alone or in combination provide an inertia valve comprising an inertia mass; wherein a spring and damper cooperate, in the absence of a terrain induced upward acceleration of the suspension assembly above a predetermined threshold sufficient move the inertia valve to the open position, to prevent significant compressive movement of the suspension assembly in response to rider-induced pedaling force on the suspension assembly; and wherein the inertia valve is moveable to the open position in response to terrain-induced upward acceleration of the suspension assembly above the threshold to permit significant compressive movement of the suspension assembly.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer
Examiner
Art Unit 3683

DK

DEVON C. KRAMER
PATENT EXAMINER



7/28/05